

REMARKS

Claims 1-6, 8, 10, 11 and 14 are pending and rejected. Applicants thank the Examiner for consideration of the Applicants' previous response. Applicants traverse all of the current rejections.


Claims 1-6, 8, 10, 11 and 14 are rejected under 35 USC §103 as unpatentable over Eccleston, in view of Pinier and further in view of Nasonex Product Information. Applicants traverse all of these rejections.

Applicants submit that at the time of the invention, the inventors were not sure that the presently claimed invention would work to capture the thixotropic nature of a formulation. Applicants appeal that the current analysis in the Office Action looks at this invention in hindsight, which takes away from the inventor's discovery. While Pinier may teach using video imaging to measure motion, the inventors did not know if video imaging would capture the properties of a thixotropic formulation.

Applicants still believe that none of the references when taken alone or when considered in combination with each other disclose each and every element of the presently claimed invention. For instance, Applicants submit that subsection a) of claim 1 is not taught or disclosed by the individual references or the combined teachings. Specifically, the Action does not provide any teaching of 'placing an amount of said thixotropic formulation on a transparent object oriented in a vertical position'. Each and every element must be taught or disclosed by the cited references. Applicants submit that the present Office Action is deficient in this respect and request withdrawal of such rejections.

Based on the foregoing remarks, Applicants respectfully submit that the application is in condition for allowance and request favorable consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barry H. Jacobsen", written over a horizontal line.

Barry H. Jacobsen  
Reg. No. 43,689  
908-298-5056

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SCHERING-PLOUGH CORPORATION  
Patent Department, K-6-1, 1990  
2000 Galloping Hill Road  
Kenilworth, New Jersey 07033-0530

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